

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RODGER GANTZ,

Plaintiff,

v.

KILOLO KIJAKAZI,<sup>1</sup>  
*Acting Commissioner of Social  
Security,*

Defendant.

No. 4:21-CV-01110

(Chief Judge Brann)

(Magistrate Judge Arbuckle)

**ORDER**

**MARCH 21, 2023**

Rodger Gantz filed this action seeking review of a decision by the Acting Commissioner of Social Security (“Commissioner”) denying Gantz’s claim for social security disability benefits.<sup>2</sup> On February 22, 2023, Magistrate Judge William I. Arbuckle issued a Report and Recommendation recommending that this Court affirm the Commissioner’s decision and close this case.<sup>3</sup> No timely objections were filed to this Report and Recommendation.

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Kilolo Kijakazi, as the successor officer to Andrew Saul, Commissioner of Social Security, is automatically substituted as Defendant in this action.

<sup>2</sup> Docs. 1, 12.

<sup>3</sup> Doc. 21.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.<sup>4</sup> Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.<sup>5</sup> Upon review of the record, the Court finds no clear error in Magistrate Judge Arbuckle’s conclusion that the Commissioner’s decision is supported by substantial evidence. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge William I. Arbuckle’s Report and Recommendation (Doc. 21) is **ADOPTED**;
2. The Commissioner’s decision is **AFFIRMED**;
3. Final Judgment is entered in favor of Defendant and against Gantz pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g);  
and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge

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<sup>4</sup> Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

<sup>5</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.